

1-1 By: Ellis S.B. No. 1884  
1-2 (In the Senate - Filed April 26, 2005; April 27, 2005, read  
1-3 first time and referred to Committee on Intergovernmental  
1-4 Relations; May 2, 2005, reported favorably by the following vote:  
1-5 Yeas 4, Nays 0; May 2, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the creation of the Harris County Municipal Utility  
1-9 District No. 460; providing authority to impose a tax and issue  
1-10 bonds; granting the power of eminent domain.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subtitle F, Title 6, Special District Local Laws  
1-13 Code, is amended by adding Chapter 8124 to read as follows:

1-14 CHAPTER 8124. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT

1-15 NO. 460

1-16 SUBCHAPTER A. GENERAL PROVISIONS

1-17 Sec. 8124.001. DEFINITIONS. In this chapter:

1-18 (1) "Board" means the board of directors of the  
1-19 district.

1-20 (2) "Director" means a member of the board.

1-21 (3) "District" means the Harris County Municipal  
1-22 Utility District No. 460.

1-23 Sec. 8124.002. NATURE OF DISTRICT. The district is a  
1-24 municipal utility district in Harris County created under and  
1-25 essential to accomplish the purposes of Section 52, Article III,  
1-26 and Section 59, Article XVI, Texas Constitution.

1-27 Sec. 8124.003. CONFIRMATION ELECTION REQUIRED. If the  
1-28 creation of the district is not confirmed at a confirmation  
1-29 election held under Section 8124.023 before September 1, 2007:

1-30 (1) the district is dissolved September 1, 2007,  
1-31 except that:

1-32 (A) any debts incurred shall be paid;

1-33 (B) any assets that remain after the payment of  
1-34 debts shall be transferred to Harris County; and

1-35 (C) the organization of the district shall be  
1-36 maintained until all debts are paid and remaining assets are  
1-37 transferred; and

1-38 (2) this chapter expires September 1, 2010.

1-39 Sec. 8124.004. INITIAL DISTRICT TERRITORY. (a) The  
1-40 district is initially composed of the territory described by  
1-41 Section 2 of the Act creating this chapter.

1-42 (b) The boundaries and field notes contained in Section 2 of  
1-43 the Act creating this chapter form a closure. A mistake made in the  
1-44 field notes or in copying the field notes in the legislative process  
1-45 does not affect:

1-46 (1) the organization, existence, or validity of the  
1-47 district;

1-48 (2) the right of the district to impose taxes;

1-49 (3) the validity of the district's bonds, notes, or  
1-50 indebtedness; or

1-51 (4) the legality or operation of the district or the  
1-52 board.

1-53 Sec. 8124.005. APPLICABILITY OF OTHER LAW. Except as  
1-54 otherwise provided by this chapter, Chapters 49 and 54, Water Code,  
1-55 apply to the district.

1-56 [Sections 8124.006-8124.020 reserved for expansion]

1-57 SUBCHAPTER A1. TEMPORARY PROVISIONS

1-58 Sec. 8124.021. TEMPORARY DIRECTORS. (a) On or after  
1-59 September 1, 2005, a person who owns land inside the boundaries of  
1-60 the district may petition the Texas Commission on Environmental  
1-61 Quality to appoint as temporary directors the five persons listed  
1-62 in the petition.

1-63 (b) The commission shall appoint as temporary directors the  
1-64 persons listed in a petition received by the commission under

2-1 Subsection (a). If the commission receives more than one petition,  
2-2 the commission shall appoint the directors listed in the first  
2-3 petition the commission receives.

2-4 (c) If a temporary director fails to qualify for office, the  
2-5 commission shall appoint a person to fill the vacancy.

2-6 (d) Temporary directors serve until the earlier of:  
2-7 (1) the date directors are elected under Section  
2-8 8124.023; or

2-9 (2) the date this chapter expires under Section  
2-10 8124.003.

2-11 Sec. 8124.022. ORGANIZATIONAL MEETING OF TEMPORARY  
2-12 DIRECTORS. As soon as practicable after all the temporary  
2-13 directors have qualified under Section 49.055, Water Code, the  
2-14 temporary directors shall meet at a location in the district  
2-15 agreeable to a majority of the directors. If a location cannot be  
2-16 agreed upon, the meeting shall be at the Harris County Courthouse.  
2-17 At the meeting, the temporary directors shall elect officers from  
2-18 among the temporary directors and conduct any other district  
2-19 business.

2-20 Sec. 8124.023. CONFIRMATION AND INITIAL DIRECTORS'  
2-21 ELECTION. The temporary directors shall hold an election to  
2-22 confirm the creation of the district and to elect five directors as  
2-23 provided by Section 49.102, Water Code.

2-24 Sec. 8124.024. INITIAL ELECTED DIRECTORS; TERMS. The  
2-25 directors elected under Section 8124.023 shall draw lots to  
2-26 determine which two shall serve until the first regularly scheduled  
2-27 election of directors under Section 8124.052 and which three shall  
2-28 serve until the second regularly scheduled election of directors.

2-29 Sec. 8124.025. EXPIRATION OF SUBCHAPTER. This subchapter  
2-30 expires September 1, 2010.

2-31 [Sections 8124.026-8124.050 reserved for expansion]

2-32 SUBCHAPTER B. BOARD OF DIRECTORS

2-33 Sec. 8124.051. DIRECTORS; TERMS. (a) The district is  
2-34 governed by a board of five directors.

2-35 (b) Directors serve staggered four-year terms.

2-36 Sec. 8124.052. ELECTION OF DIRECTORS. On the uniform  
2-37 election date in May of each even-numbered year, the appropriate  
2-38 number of directors shall be elected.

2-39 [Sections 8124.053-8124.100 reserved for expansion]

2-40 SUBCHAPTER C. POWERS AND DUTIES

2-41 Sec. 8124.101. GENERAL POWERS. The district has all of the  
2-42 rights, powers, privileges, authority, functions, and duties  
2-43 provided by the general law of this state, including Chapters 49 and  
2-44 54, Water Code, applicable to municipal utility districts created  
2-45 under Section 59, Article XVI, Texas Constitution.

2-46 Sec. 8124.102. ROAD PROJECTS. The district may construct,  
2-47 acquire, improve, maintain, or operate macadamized, graveled, or  
2-48 paved roads or turnpikes, or improvements in aid of those roads or  
2-49 turnpikes, inside or outside the district.

2-50 Sec. 8124.103. COMPLIANCE WITH MUNICIPAL CONSENT  
2-51 ORDINANCES OR RESOLUTIONS. Subject to the limitations of Section  
2-52 54.016, Water Code, the district shall comply with all applicable  
2-53 requirements of any ordinance or resolution adopted by the city  
2-54 council of the City of Houston, including an ordinance or  
2-55 resolution adopted before September 1, 2005, that consents to the  
2-56 creation of the district or to the inclusion of lands within the  
2-57 district.

2-58 [Sections 8124.104-8124.150 reserved for expansion]

2-59 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

2-60 Sec. 8124.151. TAX TO REPAY BONDS. The district may impose  
2-61 a tax to pay the principal of or interest on bonds issued under  
2-62 Section 8124.201.

2-63 [Sections 8124.152-8124.200 reserved for expansion]

2-64 SUBCHAPTER E. BONDS

2-65 Sec. 8124.201. AUTHORITY TO ISSUE BONDS AND OTHER  
2-66 OBLIGATIONS. (a) The district may issue bonds or other  
2-67 obligations as provided by Chapters 49 and 54, Water Code, to  
2-68 finance the construction, maintenance, or operation of projects  
2-69 under Sections 8124.101 and 8124.102.

3-1 (b) The district may not issue bonds to finance projects  
3-2 authorized by Section 8124.102 unless the issuance is approved by a  
3-3 vote of a two-thirds majority of the voters of the district voting  
3-4 at an election called for that purpose.

3-5 (c) Bonds or other obligations issued or incurred to finance  
3-6 projects authorized by Section 8124.102 may not exceed one-fourth  
3-7 of the assessed value of the real property in the district.

3-8 (d) Sections 49.181 and 49.182, Water Code, do not apply to  
3-9 a project undertaken by the district under Section 8124.102 or to  
3-10 bonds issued by the district to finance the project.

3-11 SECTION 2. The Harris County Municipal Utility District No.  
3-12 460 initially includes all the territory contained in the following  
3-13 area:

3-14 TRACT I:

3-15 BEING all of Lot 191 of Minnetex Place an addition in Harris  
3-16 County, Texas according to the map or plat thereof recorded at  
3-17 Volume 2, Page 57 of the Harris County Map Records (HCMR) situated  
3-18 in the William J. Lovett Survey, Abstract No. 526;

3-19 BEGINNING at the northwest corner of Lot 191 in the south line  
3-20 of Fuqua Street same being the northwest corner of Lot 192;

3-21 THENCE West along the south line of Fuqua Street, 655 feet  
3-22 (Volume 2 Page 57 HCMR) to a point for the northeast corner of said  
3-23 Lot 191 in the West right-of-way line of Myakawa Road;

3-24 THENCE 15° 20' E, 810.5 feet (calculated) along the west  
3-25 right-of-way line of Myakawa Road to a point for the southeast  
3-26 corner of this tract same being the northeast corner of Lot 255;

3-27 THENCE West 869.4 feet (Volume 2, Page 57 HCMR) along the  
3-28 north line of Lots 255 and 254 to a point for the southwest corner of  
3-29 Lot 191 same being the southeast corner of Lot 192;

3-30 THENCE North 781.6 feet (Volume 2, Page 57 HCMR) along the  
3-31 common line of Lot 191 and 192 to PLACE OF BEGINNING and containing  
3-32 14.08 acres of land.

3-33 TRACT II:

3-34 The East one-half of Block 192 of Minnetex Place Subdivision  
3-35 as shown in Volume 2, Page 27, of the Map Records of Harris County,  
3-36 Texas.

3-37 BEGINNING at a found iron rod for the Southeast corner of said  
3-38 Block 192;

3-39 THENCE in a Northerly direction along the East line of said  
3-40 Block 192 a distance of 780.30 feet to a found iron rod marking the  
3-41 South line of Fuqua Street; and being a point for corner;

3-42 THENCE in a Westerly direction along the South line of Fuqua  
3-43 Street; a distance of 270.60 feet to a point for corner;

3-44 THENCE in a Southerly direction along a line parallel to the  
3-45 East line of said Block 192, a distance of 780.30 feet to a point for  
3-46 corner, said point being on the South line of said Block 192;

3-47 THENCE in an Easterly direction along said line a distance of  
3-48 270.60 feet to the Point of BEGINNING and containing 4.85 acres,  
3-49 more or less.

3-50 TRACT III

3-51 BEING 6.500 acres of land out of and a part of Lot 192 and Lot  
3-52 193 of Minnetex Place Subdivision, situated in the William J.  
3-53 Lovett Abstract 526, according to the map or plat thereof record in  
3-54 Volume 2, Page 57, Map Records, Harris County, Texas; said 6.500  
3-55 acres more fully described as follows:

3-56 BEGINNING at a point in the centerline of Fuqua Road from  
3-57 which a 5/8 inch iron rod set in the South line of Fuqua Road, lying  
3-58 due West 81.18 feet and North 00° 33' 01" West, 0.98 feet from an old  
3-59 iron pipe found on line between Lot 192 and said Lot 193;

3-60 THENCE due East with the centerline of Fuqua Road, at 81.18  
3-61 feet pass the North common corner of Lots 192 and 193 from which an  
3-62 old 1½ inch iron pipe found bears South 00° 33' 01" East 25.00 feet,  
3-63 continuing in all a distance of 351.78 feet to a point for the North  
3-64 common corner of the East one-half and the West one-half of Lot 192;

3-65 THENCE South 00° 33' 01" East at 25.00 feet pass a 5/8 inch  
3-66 iron rod set for reference in the South line of Fuqua Road,  
3-67 continuing in all, a distance of 804.90 feet to a 5/8 inch iron rod  
3-68 set for corner in the North line of Lot 253;

3-69 THENCE due West with the North line of Lot 253, at 269.97 feet

4-1 pass the South common corner of Lots 192 and 193 continuing in all,  
 4-2 a distance of 351.78 feet to a 5/8 inch iron rod set for corner, in  
 4-3 the North line of Lot 252;

4-4 THENCE North 00° 33' 01" West a distance of 804.90 feet to the  
 4-5 Place of Beginning containing 6.50 acres;

4-6 TRACT IV

4-7 BEING 6.500 acres of land out of and a part of Lot 193 of  
 4-8 Minnetex Place Subdivision, situated in the William J. Lovett  
 4-9 Survey Abstract 526, according to the map or plat thereof record in  
 4-10 Volume 2, Page 57, Map Records, Harris County, Texas; said 6.500  
 4-11 acres more fully described as follows:

4-12 BEGINNING at a point in the centerline of Fuqua Road from  
 4-13 which a 5/8 inch iron rod set in the South line of Fuqua Road, lying  
 4-14 due West 81.18 feet and North 00° 33' 01" West, 0.98 feet from an old  
 4-15 iron pipe found on line between Lot 192 and said Lot 193;

4-16 THENCE South 00° 33' 01" East a distance of 804.90 feet to a  
 4-17 5/8 inch iron rod set for corner in the North line of Lot 252;

4-18 THENCE due West with the North line of Lot 252, a distance of  
 4-19 351.78 feet to a 5/8 inch iron rod set for corner, from which a  
 4-20 railroad "X" tie for fence corner bears South 00° 33' 01" East, 23.62  
 4-21 feet;

4-22 THENCE North 00° 33' 01" West with the East line of a 2.000  
 4-23 acre tract, part of said Lot 193, at 779.90 feet pass a 5/8 inch iron  
 4-24 rod set for reference in the South line of Fuqua Road continuing in  
 4-25 all, a distance of 804.90 feet to a point for corner, in the  
 4-26 centerline of Fuqua Road; 5/8 inch iron rod set for corner in the  
 4-27 South line of Fuqua Road from which a chain link fence post bears  
 4-28 North 84° 34' 17" East, 6.9 feet and a railroad "X" tie for fence  
 4-29 corner post bears North 85° 41' 38" East, 8.9 feet;

4-30 THENCE due East with the centerline of Fuqua Road, a distance  
 4-31 of 351.78 feet to the Place of Beginning containing 6.500 acres.

4-32 TRACT V:

4-33 A tract or parcel of land containing 36.8116 acres of land  
 4-34 being all of lots 252, 253, 254, and 255 of Minnetex Place  
 4-35 Subdivision in the William J. Lovett Survey, Abstract 526 in Harris  
 4-36 County, Texas, according to the map or plat thereof recorded in  
 4-37 Volume 2, Page 57 of the Harris County Map Records, said 36.8116  
 4-38 acre tract of land being more particularly described by metes and  
 4-39 bounds as follows to-wit:

4-40 BEGINNING at a 5/8 inch iron rod set at the residual Southeast  
 4-41 corner of Lot 255 marking the intersection of the North  
 4-42 right-of-way line of Schurmier Road (50.00 ft. in width) and the  
 4-43 Southwesterly right-of-way line of Mykawa Road (60.00 ft. in width)  
 4-44 and the Southeast corner of the herein described 36.8116 acre  
 4-45 tract;

4-46 THENCE South 88 degrees 26 minutes 10 seconds West with the  
 4-47 North right-of-way line of Schurmier Road at a distance of 2162.38  
 4-48 ft. to a 5/8 inch iron rod set at the Southwest corner of the herein  
 4-49 described tract;

4-50 THENCE North 1 degree 22 minutes 58 seconds West with the  
 4-51 division line between Lots 251 and 252 and passing a 5/8 inch iron  
 4-52 rod at the Southeast corner of the William Shoff Estate tract at  
 4-53 2.19 ft. and following an old fence line a total distance of 779.59  
 4-54 ft. (called 779.9 ft.) to a 1/2 inch iron rod found at a fence corner  
 4-55 marking the Northwest corner of Lot 252, the Northeast corner of Lot  
 4-56 251, the Southeast corner of Lot 194, and the Southwest corner of  
 4-57 Lot 193;

4-58 THENCE North 88 degrees 26 minutes 10 seconds East with the  
 4-59 division line between Lots 193 and 252, and 192 and 253, and 191 and  
 4-60 254 and 255 and with the South line of the Ada Sullivan tract and the  
 4-61 South line of the Texas A&M Development Foundation tracts a total  
 4-62 distance of 1952.78 ft. to a 5/8 inch iron rod marking the Northeast  
 4-63 corner of Lot 255 and the Southwest corner of Lot 191;

4-64 THENCE South 16 degrees 26 minutes 44 seconds East with the  
 4-65 Westerly right-of-way line of said Mykawa Road a distance of 806.48  
 4-66 ft. to the PLACE OF BEGINNING and containing 36.8116 acres of land.

4-67 TRACT VI

4-68 All that certain tract or parcel of land lying and being  
 4-69 situated in the County of Harris, State of Texas, in the W. J.

5-1 Lovett Survey, and described by metes and bounds as follows,  
5-2 to-wit:

5-3 BEGINNING at the Northeast corner of the tract which is South  
5-4 13 deg. 25' East 60 feet from the Southeast corner of Block R of the  
5-5 Townsite of Mykawa, Texas, for description of which reference is  
5-6 hereby made to Volume 2, Page 57, of the Map Records of Harris  
5-7 County, Texas;

5-8 THENCE North 88 deg. 31' West 1507.1 feet to the Northwest  
5-9 corner of this tract;

5-10 THENCE South 1 deg. 29' West 1554.7 feet to the Southwest  
5-11 corner of this tract;

5-12 THENCE South 88 deg. 31' East 1920.8 feet to the West edge of  
5-13 Mykawa and Pearland Road for the Southeast corner of this tract;

5-14 THENCE North 13 deg. 25' West 1615 feet to the place of  
5-15 beginning, containing 61.1 acres of land, and being the same  
5-16 property conveyed to E. G. Siadous by Peter Martin, et al, by Deed  
5-17 dated February 1, 1928, recorded in Volume 734, Page 606 of the Deed  
5-18 Records of Harris County, Texas.

5-19 SECTION 3. (a) The legal notice of the intention to  
5-20 introduce this Act, setting forth the general substance of this  
5-21 Act, has been published as provided by law, and the notice and a  
5-22 copy of this Act have been furnished to all persons, agencies,  
5-23 officials, or entities to which they are required to be furnished  
5-24 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
5-25 Government Code.

5-26 (b) The governor, one of the required recipients, has  
5-27 submitted the notice and Act to the Texas Commission on  
5-28 Environmental Quality.

5-29 (c) The Texas Commission on Environmental Quality has filed  
5-30 its recommendations relating to this Act with the governor, the  
5-31 lieutenant governor, and the speaker of the house of  
5-32 representatives within the required time.

5-33 (d) All requirements of the constitution and laws of this  
5-34 state and the rules and procedures of the legislature with respect  
5-35 to the notice, introduction, and passage of this Act are fulfilled  
5-36 and accomplished.

5-37 SECTION 4. This Act takes effect September 1, 2005.

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